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Acrylic Tank Manufacturing Of Nevada
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9 *INSERT RALPH PRO HAC*

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 Steven Malcolm,
13 Plaintiff, Individual
14 vs.
15 Acrylic Tank Manufacturing, Inc., a Nevada
16 company; Reynolds Polymer Technology, Inc.,
a foreign company,
17 Defendants.
18
19 Acrylic Tank Manufacturing, Inc., a Nevada
company,
Third-Party Plaintiff
20 vs.
21 Reynolds Polymer Technology, Inc., a foreign
company.
22 Third-Party Defendant

CASE NO.: 2:17-cv-01108-JCM-PAL

**JOINT STIPULATION AND ORDER
WITHDRAWING MOTIONS TO COMPEL
(ECF NOS. 66, 67 & 68) AND
CONFERENCE MANAGEMENT REPORT**

23 Defendant and third party plaintiff, Acrylic Tank Manufacturing, Inc. (“ATM”), by and
24 through its counsel of record, J. Scott Burris, Amanda Ebert, and Ralph Robinson, of the law firm
25 Wilson Elser Moskowitz Edelman & Dicker LLP, together with Plaintiff Steven Malcolm’s
26 (“Malcolm”), by and through his counsel of record, Alaina Stephens and James Glennon of the law
27 firm of Foran Glennon Palandech Ponzi & Rudloff PC, hereby stipulate and agree to the withdraw of
28 their pending motions to compel. The parties, including Reynolds Polymer Technology, Inc., by

1 and through its counsel of record, David Barron and John Barron, of the law firm Barron & Pruitt,
2 further stipulate to the conference management report.

3 **I. Grounds for Withdrawal of Motions to Compel Without Prejudice**

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5 The parties have engaged in negotiations regarding potential settlement, and proposed
6 mediation for which the parties are working on protocols that would lead to a mediation within the
7 next 60 to 90 days. Between now and then, the parties seek to conserve costs and extend deadlines
8 or stay the case.

9 *a . Extension to permit Mediation*

10
11 Before arriving at the agreements upon which this stipulation is based, the parties undertook
12 additional efforts to complete the scheduling for the settings of depositions of U.S. and international
13 witnesses. However, in anticipation of the parties' collective ability to engage in mediation, the
14 parties have not finalized the scheduling of these depositions. The parties anticipate that these
15 depositions could be extremely costly, and in an effort to save great expense, plans for depositions
16 are currently on hold. The parties do expect to receive additional documents from the architect in
17 Scotland from his damaged hard drive.

18 Overall, in an effort to conserve judicial resources, as well as to pursue mediation and
19 potential resolution of the matter, the parties agree to withdraw their pending motions to compel, and
20 seek a stay of Discovery or extension of the deadlines in this matter.

21 *B. ATM seeks intervention in the Colorado matter*

22 Additionally, ATM is preparing a motion to intervene in the Colorado action. All parties
23 agree that this matter, including the portion currently in litigation in Nevada, should be consolidated
24 at some point in the future.

25 THEREFORE, IT IS HEREBY JOINTLY STIPULATED AND AGREED THAT Defendant
26 ACRYLIC TANK MANUFACTURING, INC.'S Emergency Motions to Compel Plaintiff to
27 Identify Scottish Witnesses filed on May 9, 2018 (ECF No. 67) and May 11, 2018 (ECF No. 68),
28

1 together with Plaintiff STEVEN MALCOLM'S Motion to Compel Cutting and Testing of the
2 Aquarium Pursuant to Proposed Protocol filed May 9, 2018 (ECF No. 66), each be withdrawn in
3 their entirety. The parties stipulate to the withdrawal of the motions without prejudice, and agree
4 that each motion, individually, may be re-filed at a later date if needed.
5

6 **IT IS SO STIPULATED BY:**

DATED this day of May, 2018.

7 DATED this 23rd day of May, 2018.
8 WILSON ELSE MOSKOWITZ
9 EDELMAN DICKER &, LLP

FORAN GLENNON PALANDECH PONZI
& RUDLOFF PC

10 /s/ J. Scott Burris
11 J. Scott Burris, Esq.
12 Nevada Bar No. 10529
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15 300 South Fourth Street, 11th Floor
16 Las Vegas, Nevada 89101
17 *Attorneys for Defendant Acrylic Tank*
18 *Manufacturing, Inc.*

/s/ James B. Glennon (with permission)
Alaina C. Stephens, Esq.
Nevada Bar No. 13512
James B. Glennon, Esq.
Nevada Bar No. 6658
2200 Paseo Verde Parkway, Suite 280
Henderson, Nevada 89052
Attorneys for Plaintiff

17 DATED this day of May, 2018.
18 BARRON & PRUITT

19
20 David Barron, Esq.
21 Nevada Bar No. 142
22 John d. Barron Esq.
23 Nevada Bar No. 14029
24 3890 West Ann Road
25 North Las Vegas, NV 89031-4416
26 *Attorneys for Defendant Reynolds Polymer*
27 *Technology*

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IT IS SO ORDERED.

Dated this 29th day of May, 2018.

Tygg A. Feen
UNITED STATES MAGISTRATE JUDGE